

AMENDED IN SENATE MAY 28, 2014

AMENDED IN SENATE APRIL 24, 2014

AMENDED IN SENATE MARCH 12, 2014

AMENDED IN ASSEMBLY JANUARY 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 504

Introduced by Assembly Member Chesbro

February 20, 2013

An act to amend Sections ~~1729~~ and 8405.4 and 15007 of, and to add Article 6.5 (commencing with Section 1210) to Chapter 3 of Division 2 of, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 504, as amended, Chesbro. Fish: sea cucumbers: transgenic fish.

(1) Existing law requires the Fish and Game Commission to establish fish hatcheries for stocking the waters of California with fish and requires the Department of Fish and Wildlife to maintain and operate those hatcheries. Existing law also authorizes county boards of supervisors to establish and maintain fish hatcheries and authorizes the commission to issue permits to nonprofit organizations to construct and operate anadromous fish hatcheries.

~~Under existing law, the Trout and Steelhead Conservation and Management Planning Act of 1979, the department is required to give priority to stocking native hatchery-produced species in California waters where stocking is determined to be appropriate by the department.~~

This bill would prohibit hatchery production and stocking of transgenic fish species of salmonids in California waters and would

define “transgenic” for these purposes. A violation of the Fish and Game Code is generally a misdemeanor. Because the bill would create new crimes, the bill would impose a state-mandated local program.

(2) Existing law makes it unlawful to spawn, incubate, or cultivate any species of finfish belonging to the family Salmonidae, transgenic fish species, or any exotic species of finfish in the waters of the Pacific Ocean that are regulated by this state, except for specified salmon or steelhead trout. A violation of this provision is a crime.

This bill would make it unlawful to spawn, incubate, or cultivate any transgenic species of finfish belonging to the family Salmonidae anywhere in this state. By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

~~(2)~~

(3) Existing law governs the sea cucumber fishery in this state. Under existing law, sea cucumbers cannot be taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid sea cucumber permit issued by the department. The commission is authorized to adopt regulations that it determines may reasonably be necessary to protect the sea cucumber resource and assure a sustainable sea cucumber fishery or to enhance enforcement activities. A violation of these provisions or regulations adopted pursuant to those provisions is a crime. Existing law provides that those provisions shall become inoperative on April 1, 2015, and, as of January 1, 2016, are repealed.

This bill would extend the operation of those provisions until April 1, 2020, and would repeal those provisions on January 1, 2021. Because this bill would extend the operation of the sea cucumber permit program and thereby the crimes imposed for a violation of those provisions, the bill would create a state-mandated local program.

~~(3)~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1.— Section 1729 of the Fish and Game Code is amended
2 to read:

3 1729. (a) (1) The department shall give priority to stocking
4 native hatchery-produced species in California's waters, where
5 stocking is determined to be appropriate by the department.
6 Stocking of hatchery-produced fish is not appropriate in all of
7 California's waters, including, but not limited to, stocking in
8 California's waters that would adversely affect species listed under
9 the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531
10 et seq.) or the California Endangered Species Act (Chapter 1.5
11 commencing with Section 2050) of Division 3).

12 (2) Hatchery production and stocking of transgenic fish in
13 California waters is prohibited.

14 (b) Hatchery-produced trout shall be stocked to support
15 sustainable angling recreation and promote angler access to trout
16 fishing, including, but not limited to, urban fisheries.

17 (c) The department may provide outreach and educational
18 materials to all anglers to promote awareness of environmental
19 sustainability, ecosystem health, fish genetics, angling
20 opportunities, and fish population management.

21 (d) Educational programs utilizing the hatcheries shall be
22 encouraged.

23 (e) The department shall ensure that all trout stocked in waters
24 of the state for recreational purposes are unable to reproduce
25 through triploidy or other means, with the exception of fish planted
26 into brood stock lakes, surplus brood stock planted according to
27 fishery management decisions, fish planted to supplement waters
28 that the department has determined to be genetically isolated from
29 native fish populations, and native trout species produced for
30 recovery and restoration within their native range.

31 (f) The department may develop, conduct, and respond to regular
32 angler preference and satisfaction surveys. This is not a substitute
33 for a preferred scientific data collection and monitoring program
34 that would facilitate adaptive management of California's inland
35 trout fisheries.

36 (g) The department shall review angling regulations periodically
37 and adjust those regulations to ensure consistency with the strategic
38 plan described in Section 1728.

1 ~~(h) As used in this section, “transgenic” has the same meaning~~
2 ~~as in Section 1.92 of Title 14 of the California Code of Regulations,~~
3 ~~as that section read on May 14, 2003.~~

4 SECTION 1. Article 6.5 (commencing with Section 1210) is
5 added to Chapter 3 of Division 2 of the Fish and Game Code, to
6 read:

7
8 Article 6.5. Transgenic Species of Salmonids
9

10 1210. (a) The hatchery production and stocking of transgenic
11 species of salmonids is prohibited.

12 (b) As used in this section, “transgenic” has the same meaning
13 as in Section 1.92 of Title 14 of the California Code of Regulations,
14 as that section read on May 14, 2003.

15 SEC. 2. Section 8405.4 of the Fish and Game Code is amended
16 to read:

17 8405.4. This article shall become inoperative on April 1, 2020,
18 and as of January 1, 2021, is repealed, unless a later enacted statute
19 that is enacted before January 1, 2021, deletes or extends the dates
20 on which it becomes inoperative and is repealed.

21 SEC. 3. Section 15007 of the Fish and Game Code is amended
22 to read:

23 15007. (a) In the waters of the Pacific Ocean that are regulated
24 by this state, it is unlawful to spawn, incubate, or cultivate any
25 species of finfish belonging to the family Salmonidae, transgenic
26 fish species, or any exotic species of finfish. *It is unlawful to*
27 *spawn, incubate, or cultivate any transgenic species of finfish*
28 *belonging to the family Salmonidae in this state.* This section does
29 not apply to salmon or steelhead trout reared from native California
30 stocks that are propagated and cultured for either of the following:

31 (1) Research conducted by, or on behalf of, the department; or
32 (2) Release into ocean waters for the purpose of recovery,
33 restoration, or enhancement of California’s native salmon and
34 steelhead trout populations pursuant to Chapter 8 (commencing
35 with Section 6900) of Part 1 of Division 6.

36 (b) Nothing in this section authorizes artificial propagation,
37 rearing, or stocking of transgenic freshwater and marine fishes,
38 invertebrates, crustaceans, or mollusks.

1 (c) As used in this section, “transgenic” has the same meaning
2 as in Section 1.92 of Title 14 of the California Code of Regulations,
3 as that section read on May 14, 2003.

4 (d) As used in this section, “exotic species” means a fish that
5 is not native to California waters and that does not currently exist
6 as a viable population in a wild condition in the state.

7 ~~SEC. 3.~~

8 *SEC. 4.* No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.